

United States District Court
EASTERN DISTRICT OF WASHINGTONFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MAR 13 2013

SEAN F. McAVOY, CLERK
DEPUTY
SPOKANE, WASHINGTON

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

PAUL E. ELLIS

CASE NUMBER:

MJ-13-122

(Name & Address of Defendant)

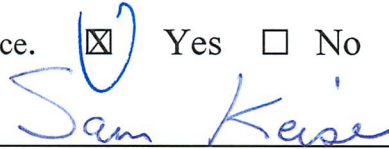
I, the complainant in this case, state the following is true and correct to the best of my knowledge and belief. This complaint is based on these facts:

Count 1

Beginning on a date unknown, but by on or about February 15, 2013, until on or about March 13, 2013, in the Eastern District of Washington, the defendant, PAUL E. ELLIS, knowingly and intentionally Manufactured 50 or More Marijuana Plants, a Schedule I controlled substance, in violation of 21 U.S.C. § 841(a)(1); (b)(1)(B)(vii).

Count 2

Beginning on a date unknown, but by on or about at least February 15, 2013, until on or about March 13, 2013, in the Eastern District of Washington, the defendant, PAUL E. ELLIS, knowingly and intentionally maintained a place at 18925 E. Riverside, Spokane Valley, Washington, for the purpose of manufacturing, distributing, and using Marijuana, a Schedule I controlled substance, in violation of 21 U.S.C. § 856(a)(1).

Continued on the attached sheet incorporated herein by this reference. ☒ Yes ☐ No
Signature of Complainant Sam Keiser
Special Agent, DEA

Sworn to before me and signed in my presence

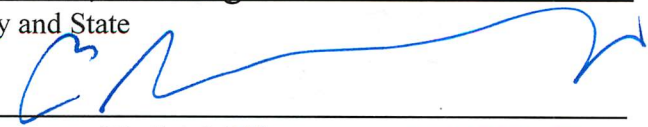
March 13, 2013

Date

Cynthia Imbrogno

United States Magistrate Judge

Name and Title of Judicial Officer

at Spokane, Washington
City and State
Signature of Judicial Officer

P30313JJ.EHA.Ellis.wpd

AUSA Assigned: EAH

In re: Criminal Complaint re Paul E. Ellis

AFFIDAVIT FOR COMPLAINT

STATE OF WASHINGTON)

:ss

County of Spokane)

Sam Keiser, being first duly sworn on oath, deposes and states:

1. I am a Special Agent (SA) of the Drug Enforcement Administration (DEA), United States Department of Justice. I have been so employed for approximately 17 years. I have received specialized training in the enforcement of laws concerning controlled substances as found in Title 21 of the United States Code. I have testified in judicial proceedings and prosecutions for violations of controlled substances laws. I am currently assigned to the Drug Enforcement Administration, Seattle Field Division, Spokane Resident Office. The Spokane Resident Office comprises Agents of the U.S. Drug Enforcement Administration (DEA) and the Immigration and Customs Enforcement (ICE), Spokane City Police, Spokane County Sheriff, Washington State Patrol, tasked together to investigate and prosecute drug offenses.

2. I have specialized training and experience in narcotics smuggling and distribution investigations. I have participated in numerous narcotics investigations, debriefed and participated in debriefings of defendants, informants and witnesses who had personal knowledge regarding major drug trafficking organizations and have participated in all aspects of drug investigations, including surveillance, analyzing information obtained from court ordered pen register trap and trace intercepts, and analyzing telephone toll information obtained as a result of

subpoenas issued by the DEA. I have participated in the investigation of non-traditional organized crime, complex drug conspiracies, illegal importation and possession with intent to distribute illegal narcotics as well as continuing criminal enterprise activities in violation of Title 21, United States Code, Sections 841(a)(1), 843(b), 846, 848, 952(a) and 963. I have also participated in money laundering investigations involving violations of Title 18, U.S.C. Sections 1956 and 1957. Through my experience and training, I have become familiar with the methods, language, and terms used by drug traffickers to disguise the source and nature of their illegal narcotics activities. I am familiar with narcotics trafficker's methods of operation including the distribution, storage, and transportation of narcotics, the collection of money, which represents the proceeds of narcotics trafficking and money laundering. I have participated in interviews with numerous suppliers of illicit controlled substances. During these interviews, your Affiant has questioned at length the distributors, sellers and dealers about the appearance, lifestyle, and habits of controlled substance traffickers. This would include questioning them about their respective methods of operation. I have reviewed, written and studied numerous law enforcement reports and affidavits for search warrants, involving suspected controlled substance suppliers.

3. During hundreds of investigations, including the execution of search warrants, I have observed and examined similar information, records, and other documents that were maintained by individuals involved in the manufacture and/or sale of controlled substances, including buyers and sellers' lists and pay and owe ledgers. These records included information regarding the indoor cultivation of marijuana. I have examined narcotic paraphernalia associated with the manufacture, packaging, and sale of illicit marijuana, cocaine, methamphetamine, and heroin.

4. I have received training in the investigation of marijuana grow operations both outdoor and indoor. I have participated in over 100 investigations that involved the cultivation of marijuana. I have smelled the odor of growing marijuana on over 500 occasions and I have smelled the odor of marijuana in the processed form on over 1000 occasions. I have interviewed and had discussions with dozens of marijuana growers and smugglers and have become familiar with methods used by growers and smugglers to conceal their activities. I have reviewed thousands of power usage records and had numerous discussions at length with employees and various power companies regarding power usage and records information.

5. Because this affidavit is being submitted solely for establishing probable cause to search the above listed location, your affiant has not included each and every fact known to him concerning this investigation. Your affiant has set forth only the facts necessary to support probable cause to arrest the Defendant for Manufacture of 50 or More Marijuana Plants, in violation of 21U.S.C. § 841(a)(1);(b)(1)(c) and Maintaining a Drug Involved Premise, in violation of 21U.S.C. § 856(a)(1).

FACTS RELATING TO PROBABLE CAUSE

6. In January and May 2010 Detectives from the Spokane County Sheriff's Office received information that Paul E. Ellis had opened a marijuana dispensary at 7406 E. Sprague Ave. #5 in Spokane Valley, WA. In August 2010 Detectives visited Ellis' marijuana dispensary and observed that ELLIS was selling marijuana from his dispensary. Detectives were told by Ellis that he was growing marijuana at his residence at 18925 E. Riverside Ave. in Spokane Valley, WA. Detectives were invited to Ellis' residence to inspect his marijuana grow and later executed a search warrant on Ellis' residence on September 2, 2010. The Spokane County

Sheriff's Office seized 203 marijuana plants with root structures and 40 marijuana clone plants from grow operations contained in Ellis' residence and his outbuilding.

7. On or about August 2011, Your Affiant spoke to Det. Knechtel from the Spokane County Sheriff's Office. Det. Knechtel told SA Keiser that he believed Ellis was still growing marijuana at his residence, based on comments that Ellis had made to him during his investigation.

8. In the first three weeks of December 2012, Your Affiant conducted surveillance operations on Ellis residence at 18925 E. Riverside Ave. in Spokane Valley, WA and smelled the odor of marijuana coming from the residence. In February and March of 2013 Your Affiant conducted surveillance on the Ellis property and heard the sound of fans running in the pole barn located behind the residence. It is common to hear fans because manufacturers of marijuana use fans to ventilate their marijuana grows. In the late evening / early morning hours of March 8, 2013, your Affiant conducted surveillance on the Ellis residence and observed that Ellis had set out a garbage can on the curb ready to be picked up. Your Affiant noticed that the smell of marijuana was emanating from the garbage can. Your Affiant took a small bag of garbage that had been tied shut and transferred it back to the Spokane DEA office.

9. On 3-11-2013 Your Affiant observed a posting on Craig's List for Extra top quality MMJ. (Believed by your affiant to mean Medical Marijuana). The add gives a phone number of 509-230-8058 and advertises "Only Top Shelf MMJ" and further gives a location as follows: "Chronic new location 13519 E. Sprague" On 3-11-2013 Your Affiant called 509-230-8058 and spoke to a man believed to be Paul Ellis. The man said that he had twelve varieties available, mentioned prices for a fourth or an eight and said to come before 4:30 if Your Affiant was a new patient. Your Affiant obtained current power usage records for Ellis' residence at

18925 E. Riverside Ave. in Spokane Valley, WA and observed that there is a separate account for the "shop" and the usage amount for February 2013 was 3778 KWH (Kilowatts per hour) and the bill for the shop for the month of February was \$422.68. The power used at the residence for February 2013 was 1689 KWH and the bill for February was \$138.03. Based on Your Affiant's training and experience this usage of power is consistent with a marijuana grow operation being present at the property. During the execution of the state search warrant on Ellis' residence on September 2, 2010 growing marijuana was seized from the house and the outbuilding.

10. On March 13, 2013, Your Affiant along with other law enforcement officers executed a federal search warrant at 18925 E. Riverside Avenue, Spokane Valley, WA. This is the personal residence of the Defendant and his family. During the execution of the search warrant approximately 90 growing marijuana plants were seized from the outbuilding on the Defendant's property.

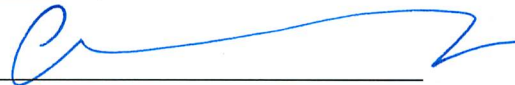
Based upon the above, your affiant believes there is probable cause to arrest PAUL E. ELLIS for the offenses of Manufacture of 50 or More Marijuana Plants, in violation of Title 21, United States Code, Section(s) 841(a)(1); (b)(1)(B)(vii) and Maintaining Drug Involved Premise, in violation of Title 21, United States Code, Section(s) 856(a)(1).

I declare under penalty of perjury that the statements above are true and correct to the best of my knowledge and belief.



Sam Keiser, Special Agent
U.S. Drug Enforcement Administration

SUBSCRIBED AND SWORN to before me this 13th day of March 2013.



Cynthia Imbrogno
United States Magistrate Judge